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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jesus ORTEGA-Vasquez** Defendant.	Magistrate Case No. '08 MJ 2153 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 27, 2008,** within the Southern District of California, defendant, **Jesus ORTEGA-Vasquez**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF July 2008.

UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On April 27, 2008, a Police Officer with the Escondido Police Department arrested the defendant, Jesus ORTEGA-Vasquez, for violation of Penal Code 3056 " Parole Violation". An Immigration Enforcement Agent determined him to be a citizen and national of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from custody.

On July 14, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States.

A review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported from the United States by an Immigration Judge on or about October 23, 2003, and removed to Mexico on October 23, 2003, via the Otay Mesa, California., Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Jesus ORTEGA-Vasquez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.